

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN – MODIFIED

In re:

Allen Middleton
Christine MiddletonDated: **April 1, 2017**DEBTORCase No. **14-43048**In a joint case,
debtor means debtors in this plan.**1. DEBTOR'S PAYMENTS TO THE TRUSTEE —**

- a. As of the date of this plan, the debtor has paid the trustee \$ 42,008.81.
- b. After the date of this plan, the debtor will pay the trustee \$ 450.00 per Month for 28 months, beginning April, 2017 for a total of \$ 12,600.00. The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee.
- d. The debtor will pay the trustee a total of \$ 12,600.00 from the date of modification.

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 1,260.00, [line 1(d) x .10].**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] —** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>Total Payments</i>
<u>-NONE-</u>	\$ _____	_____	\$ _____
a. TOTAL			\$ <u>0.00</u>

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
<u>-NONE-</u>	_____

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Property</i>
a. <u>Seterus</u>	3912 Monterey Av., St. Louis Park, MN
b. <u>BMW Bank of North America</u>	Lease term expired & vehicle returned to BMW

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payment s</i>	<i>TOTAL PAYMENTS</i>
<u>-NONE-</u>	\$ _____	\$ _____	_____	_____	\$ _____
a. TOTAL					\$ <u>0.00</u>

7. **CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. **All following entries are estimates, except for interest rate.**

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number Payment	TOTAL PAYMENTS
	\$		\$			\$
a. TOTAL						\$

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x	(No. of Pmnts)	Pmnts on Account of Claim	(Adq. Prot. from ¶ 3)	TOTAL PAYMENTS
	\$	\$			\$		\$	\$	\$
a. TOTAL									\$

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
IRS	\$ 36,612.36*	prorata			5,342.52
* \$21,447.23 paid to date					
MN Revenue	\$ 7,360.67**	prorata			1,074.08
** \$4,311.82 paid to date					
Barbara J. May	\$ 4649.80***				2,723.80
Lauri A. Schmid	750.00	1		2	750.00
***paid in full					
a. TOTAL					\$ 9,890.40

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**. The trustee will pay the allowed claims of the following creditors. **All entries below are estimates.**

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						\$
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 1,449.60 [line 1(d) minus lines 2, 6(a), 7(a), 8(a), 9(c) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 356,558.88.
- c. Total estimated unsecured claims are \$ 356,558.88 [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS —

a. Tax Refunds: The debtor(s) shall provide the trustee each year during the Chapter 13 plan copies of their federal and state income tax returns at the time they are filed. The debtors shall also promptly report to the trustee the receipt of any federal and state tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$2,000 plus any earned income credit (EIC) for a joint case. Any remaining amounts shall be turned over to the Chapter 13 Trustee as additional plan payments.

b. LIEN STRIP:

TREATMENT OF JUNIOR MORTGAGE HELD BY GREAT SOUTHERN BANK

This plan treats any claim of Great Southern Bank, successor of Inter Savings Bank, as unsecured in its entirety, notwithstanding this second mortgage in favor of Great Southern Bank. This second mortgage was originally executed on April 23, 2008, originally to Inter Bank. The mortgage was recorded May 9, 2008, against Debtor's residential real property legally described as LOT 4, BLOCK 10, MINIKAHDA VISTA, ST. LOUIS PARK, MINNESOTA, TOGETHER WITH DRIVEWAY EASEMENT OVER FOLLOWING PREMISES: COMMENCING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 10, MINIKAHDA VISTA ADDTION, WEST ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF NINETY-SEVEN (97) FEET, THENCE SOUTH A DISTANCE OF FOUR FEET; THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 4 A DISTANCE OF NINETY SEVEN FEET (97), THENCE NORTH FOUR FEET ALONG THE EAST LINE OF SAID LOT 6 TO THE POINT OF BEGINNING, ALL IN HENNEPIN COUNTY, MN. Inter Bank failed on April 27, 2012, and this mortgage was assigned to Great Southern Bank by the FDIC.

This debt was charged off by Great Southern Bank in May, 2012

Contemporaneously with the Hearing on the Confirmation of this plan, Debtor has brought a motion pursuant to 11 U.S.C.506, Fed.R.Bankr.P. 3012, and Local Rule 3012-1, to determine the value of this secured claim of Great Southern Bank.

Upon a finding by the bankruptcy court that the value of the Debtor's homestead is less than the balance owed on the senior mortgage held by Citimortgage, the claim held by the junior mortgagee Great Southern Mortgage, will be unsecured in its entirety pursuant to 11 U.S.C. §506(a), and the Trustee should treat the claim as unsecured for purposes of plan administration. In the event Great Southern Bank, or any future assignee or servicer, has not released this lien after completion of the plan and within 60 days of the Trustee's Final Accounting, Debtor may seek supplemental relief under 3012-1(f).

c. GREAT LAKES HIGHER EDUCATION:

TRUSTEE WILL PAY THIS STUDENT LOAN CLAIM

d. CENTER FOR ENERGY AND ENVIRONMNET:

THIS \$10, 000 MORTGAGE WAS PAID IN FULL IN 2013 AND CREDITOR HAS NOT YET RELEASED THEIR MORTGAGE.TRUSTEE WILL PAY NOTHING ON A CLAIM IF ONE IS FILED.

e. BONUSES:

BOTH DEBTORS SHALL REPORT THE RECEIPT OF ANY BONUSES TO THE CHAPTER 13 TRUSTEE AND SHALL NOT SPEND THOSE BONUSES WITHOUT PERMISSION FROM THE TRUSTEE

f. BMW BANK OF NORTH AMERICA: The Leasehold interest in the BMW has expired and the vehicle has been turned into the creditor. Any deficiency claimed by the creditor shall be paid as an unsecured claim by the trustee.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	<u>1,260.00</u>
Home Mortgage Defaults [Line 6(a)]	\$	<u>0.00</u>
Claims in Default [Line 7(a)]	\$	<u>0.00</u>
Other Secured Claims [Line 8(a)]	\$	<u>0.00</u>
Priority Claims [Line 9(a)]	\$	<u>9,890.40</u>
Separate Classes [Line 10(a)]	\$	<u>0.00</u>
Unsecured Creditors [Line 11]	\$	<u>1,449.60</u>
TOTAL [must equal Line 1(d)]	\$	<u>12,600.00</u>

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Lauri Ann Schmid 00276935
Dougherty, Molenda, Solfest, Hills & Bauer P.A.
14985 Glazier Avenue, Suite 525
Apple Valley, MN 55124
9529538843
00276935

Signed /s/ Allen Middleton

Allen Middleton
DEBTOR

/s/ Christine Middleton

Christine Middleton
DEBTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: ALLEN MIDDLETON
CHRISTINE MIDDLETON

CASE NO: 14-43048

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 13

ECF Docket Reference No.

Judge: Michael E. Ridgway

Hearing Location: Courtroom 7 West 300 S 4th St Minneapolis MN 55415.

Hearing Date: 06/06/17

Hearing Time: 10:30 am

Response Date: 06/01/17

On 5/9/2017, I did cause a copy of the following documents, described below,

Amended Summary of Schedules Schedules I/J Modified Plan and Signature Declaration,

Notice of Hearing on Modified Plan Memo of Facts and Proposed Order

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 5/9/2017

/s/ Lauri Ann Schmid

Lauri Ann Schmid 0276935

Dougherty Molenda Solfest Hills & Bauer P.A.

14985 Glazier Avenue Suite 525

Apple Valley, MN 55124

952 953 8843

lschmid@dmsbh.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: ALLEN MIDDLETON
CHRISTINE MIDDLETON

CASE NO: 14-43048

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 13

ECF Docket Reference No.

Judge: Michael E. Ridgway

Hearing Location: Courtroom 7 West 300 S 4th St Minneapolis
MN 55415.

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On 5/9/2017, a copy of the following documents, described below,

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were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 5/9/2017



Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Dougherty Molenda Solfest Hills & Bauer P.A.
Lauri Ann Schmid
14985 Glazier Avenue Suite 525
Apple Valley, MN 55124

CASE INFO

1 LABEL MATRIX FOR LOCAL NOTICING
08644
CASE 14-43048
DISTRICT OF MINNESOTA
MINNEAPOLIS
TUE MAY 9 11-06-22 CDT 2017

2 FEDERAL NATIONAL MORTGAGE
ASSOCIATION
CO ROSICKI ROSICKI ASSOCIATES PC
51 EAST BETHPAGE ROAD
PLAINVIEW NY 11803-4224

3 GREAT SOUTHERN BANK
LATHROP GAGE LLP
CO DAN NELSON
910 E ST LOUIS SUITE 100
SPRINGFIELD MO 65806-2506

EXCLUDE

4 SETERUS INC AS THE AUTHORIZED
SUBSERVICER
14523 SW MILLIKAN WAY
SUITE 200
BEAVERTON OR 97005-2352

~~5 MINNEAPOLIS
301 US COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415-1320~~

6 ALLINA HEALTH
PO BOX 77008
MPLA MN 55480-7708

7 AMERICAN ACCOUNTS ADVISERS INC
7460 80TH ST S
COTTAGE GROVE MN 55016-3007

8 AMERICAN EXPRESS
CUSTOMER SERVICE
BILLING INQUIRIES
PO BOX 981535
EL PASO TX 79998-1535

9 AMERICAN MED COLLECTION AGENCY
2269 S SAWMILL RIVER RD
BLDG 3
ELMSFORD NY 10523-3848

10 AMERICAN EXPRESS BANK FSB
CO BECKET AND LEE LLP
POB 3001
MALVERN PA 19355-0701

11 AMERICAN INFOSOURCE LP AS AGENT
FOR
FIRST DATA GLOBAL LEASING
PO BOX 248838
OKLAHOMA CITY OK 73124-8838

12 BMW BANK OF NORTH AMERICA
PO BOX 16075
READING PA 19612

13 BMW FINANCIAL SERVICES
CUSTOMER SERVICE CENTER
PO BOX 3608
DUBLIN OH 43016-0306

14 BMW FINANCIAL SERVICES NA LLC
CO ASCENSION CAPITAL GROUP
PO BOX 201347
ARLINGTON TX 76006-1347

15 CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

16 CARDMEMBER SERVICE
PO BOX 94012
PALATINE IL 60094-4012

17 CENTURYLINK
PO BOX 4300
CAROL STREAM IL 60197-4300

18 CHASE
CUSTOMER SERVICE
PO BOX 15298
WILMINGTON DE 19850-5298

19 CHEROKEE REGIONAL MEDICAL CENTER
300 SIOUX VALLEY DRIVE
CHEROKEE IOWA 51012-1205

20 COMENITY
PO BOX 182273
COLUMBUS OHIO 43218-2273

21 CONSULTING RADIOLOGIST LTD
825 NICOLLET MALL SUITE 1500
MPLS MN 55402-2701

22 CHARLIE HOFSTROMBRIAN DUREN
15 MAGNOLIA LANE NO
PLYMOUTH MN 55441-5707

23 CHILDRENS HOSPITAL MINNEAPOLIS
SDS 121580 PO BOX 86
MINNEAPOLIS MN 55486-1580

24 DISCOVER
PO BOX 30421
SALT LAKE CITY UT 84130-0421

25 DISCOVER BANK
DB SERVICING CORPORATION
PO BOX 3025
NEW ALBANY OH 43054-3025

26 FEDERAL NATIONAL MORTGAGE
ASSOCIATION
CO SETERUS INC
ATTN- BANKRUPTCY DEPARTMENT
PO BOX 1047
GRAN RAPIDS MI 49501-1047

27 FEDERAL NATIONAL MORTGAGE
ASSOCIATION
CO SETERUS INC
PO BOX 1047
HARTFORD CT 06143-1047

28 GC SERVICES
PO BOX 3026
HOUSTON TX 77253-3026

29 GREAT LAKES HIGHER EDUCATION
PO BOX 7859
MADISON WI 53707-7859

30 GREAT SOUTHERN BANK
13601 80TH CIRCLE N
MAPLE GROVE MN 55369-8906

31 GREEN HORIZONS
6980 OXFORD ST STE 220
MPLS MN 55426-4523

32 GREAT SOUTHERN BANK
CO DAN R NELSON
LATHROP GAGE LLP
910 EAST ST LOUIS SUITE 100
SPRINGFIELD MO 65806-2506

33 HSBC
CARDMEMBER SERVICES
PO BOX 5894
CAROL STREAM IL 60197-5894

34 INTERNAL REVENUE SERVICE
INSOLVENCY SECTION
PO BOX 7346
PHILADELPHIA PA 19101-7346

35 JC CHRISTENSEN ASSOC
PO BOX 519
SAUK RAPIDS MN 56379-0519

36 LAKE POINTE CHIROPRACTOR
5000 WEST 36TH ST SUIT 120
MPLS MN 55416-2775

37 MAYO CLINIC ROCHESTER
PO BOX 4004
ROCHESTER MN 55903-4004

38 MINNESOTA DEPARTMENT OF REVENUE
551 BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

39 MN DEPT OF REVENUE
BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

40 NATIONS RECOVERY CENTER INC
PO BOX 620130
ATLANTA GA 30362-2130

41 NORTHLAND GROUP
PO BOX 390857
EDINA MN 55439

42 NORTHSTAR LOCATION SERVICES
ATTN FINANCIAL SERVICES DEPT
4285 GENESEE ST
CHEEKTOWAGA NY 14225-1943

43 NORTHWEST ANESTHESIA PA
ANESTHESIOLOGISTS
14700 28TH AVE N SUITE 20
PLYMOUTH MN 55447-4876

44 PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

45 PROFESSIONAL SERVICE BUREAU
4725 36TH AVE N
MPLS MN 55422-2169

46 QUEST DIAGNOSTICS
2269 SAWMILL RD
ELMSFORD NY 10523-3832

47 QUANTUM3 GROUP LLC AS AGENT FOR
COMENITY BANK
PO BOX 788
KIRKLAND WA 98083-0788

48 RAUSCH STURM ISRAEL AND HORNIK
3209 W 76TH ST SUITE 301
MPLS MN 55435-5246

49 SPECIALISTS IN INTERNAL MEDICINE
920 E 28TH ST 740
MPLS MN 55407-1163

50 TWIN CITIES THERAPY
527 S MARQUETTE AVE
MINNEAPOLIS MN 55402-1302

51 TWIN CITY ORTHOPEDICS
PO BOX 9188
MPLS MN 55480-9188

52 UNITED RECOVERY SYSTEMS
PO BOX 630339
HOUSTON TX 77263-0339

53 UPN
PO BOX 2489
WHITE CITY OREGON 97503-0489

54 US DEPT OF EDUCATION
CLAIMS FILING UNIT
PO BOX 8973
MADISON WI 53708-8973

55 US TRUSTEE
1015 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415-3070

56 VIVERANT
7815 3RD ST M SUITE 203
OAKDALE MN 55128-5443

57 WELLS FARGO BANK
PO BOX 14517
DES MOINES IOWA 50306-3517

58 WELLS FARGO BANK NV
PO BOX 3117
WINSTON SALEM NC 27102-3117

59 WELLS FARGO BANK NA
PO BOX 10438
MAC- X2505-036
DES MOINES IA 50306-0438

60 WELLS FARGO CARD SERVICES
1 HOME CAMPUS 3RD FLOOR
DES MOINES IA 50328-0001

DEBTOR

61 ALLEN MIDDLETON
3912 MONTEREY AVE
ST LOUIS PARK MN 55416-5052

62 CHRISTINE MIDDLETON
3912 MONTEREY AVE
ST LOUIS PARK MN 55416-5052

63 GREGORY A BURRELL
100 SOUTH FIFTH STREET
SUITE 480
MINNEAPOLIS MN 55402-1250

64 LAURI ANN SCHMID
14985 GLAZIER AVENUE
SUITE 525
APPLE VALLEY MN 55124-7822

REVISED 12/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re

ALLEN MIDDLETON
CHRISTINE MIDDLETON
Debtor(s).

Case No. 14 - 43048

SIGNATURE DECLARATION

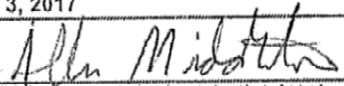
- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS
☒ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (PLEASE DESCRIBE: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. [Individual debtors only] If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.


Date: May 3, 2017

x


Signature of Debtor 1 or Authorized Representative

ALLEN MIDDLETON
Printed Name of Debtor 1 or
Authorized Representative

x


Signature of Debtor 2

CHRISTINE MIDDLETON
Printed Name of Debtor 2